

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Action ID No. 200210274

February 1, 2002

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), DIVISION OF HIGHWAYS, 1548 Mail Service, Raleigh, North Carolina, 27699-1548, has applied for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act TO DISCHARGE DREDGED OR FILL MATERIAL INTO 0.51 ACRES OF SECTION 404 WETLANDS AND 0.04 ACRES OF OPEN WATERS (40 LINEAR FEET OF STREAM), TO IMPROVE A 0.48 MILE SEGMENT OF SR 1109 (MARSH ROAD) IN HYDE COUNTY, NORTH CAROLINA.

**BACKGROUND:**

According to the applicant, the purpose and need for the project is to provide a safe, efficient roadway to one (1) residence located on SR 1109. Marsh Road is a dead end road that is used by the residents of the household, and one school bus during the school year. SR 1109 currently has a gravel surface with two-foot deep roadside ditches. The frequency of road maintenance is reduced after conversion from a gravel to a paved surface.

**PROJECT DESCRIPTION:**

The following description of work is taken from data provided by the applicant. NCDOT is proposing to widen, upgrade, and pave SR 1109 (Marsh Road) from SR 1108, to the end of state maintenance, in Hyde County. The preferred alternative will utilize a 60-foot right of way and consist of a 18-foot paved road, 5-foot shoulders and 5-foot wide, 2-foot deep ditches. One 40-foot long, 15-inch pipe, will be replaced with a 40-long, 30-inch pipe at the crossing of a tributary to Middletown Creek.

Wetland impacts will occur on both sides of the road and total 0.51 acres. Adjacent coastal marsh and pine flatwoods are the type of wetlands impacted. NCDOT proposes to compensate for wetland impacts by enhancing 0.51 wetland acres at the proposed Bishop Road Mitigation Bank in Hyde County.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (DWQ) has determined the applicability of a Water Quality Certification as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the

extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

Based upon available information, the District Engineer has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service (50 CFR Part 600).

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to Authorize a proposal and if so the conditions, under which it will be allowed to occur, are Therefore determined by the outcome of the general balancing process. That decision should Reflect the national concern for both protection and utilization of important resources. All Factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

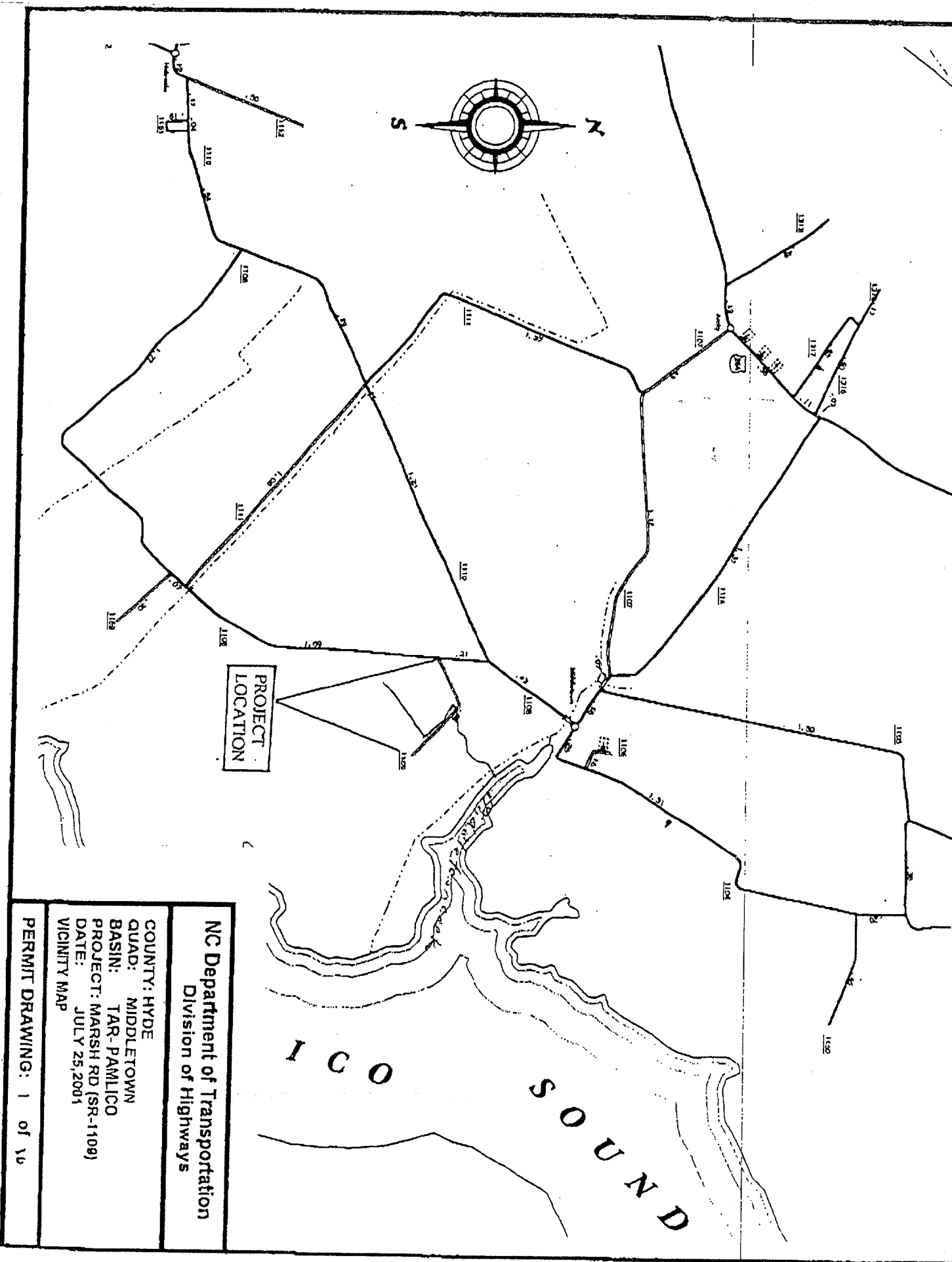
To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality(NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, **on or before February 22, 2002**, Attention: Mr. John Dorney.

**Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Michael F. Bell, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, until 4:15 p.m., March 1, 2002.**



**NC Department of Transportation**  
Division of Highways

COUNTY: HYDE  
QUAD: MIDDLETOWN  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD (SR-1109)  
DATE: JULY 25, 2001  
VICINITY MAP

PERMIT DRAWING: 1 of 16



Isabelle Daniels Homes  
c/o Isabelle Williamson  
P.O. Box 241  
Swan Quarter NC 27885

WOODS

X-SECTION 6+00

EXISTING ROAD

CANAL

CANAL

N 70°30'00"E 1042.23'

PROPOSED R/W

WOODS

WOODS

Acres Wetlands #1

WOODS

Thomas H. Powell  
Goldsboro, NC  
c/o Shirley D. Powell  
354 Powell Rd.  
Goldsboro, NC 27534

4+10 BEGIN WETLANDS AS DELINEATED



WETLANDS



WETLANDS IMPACTED

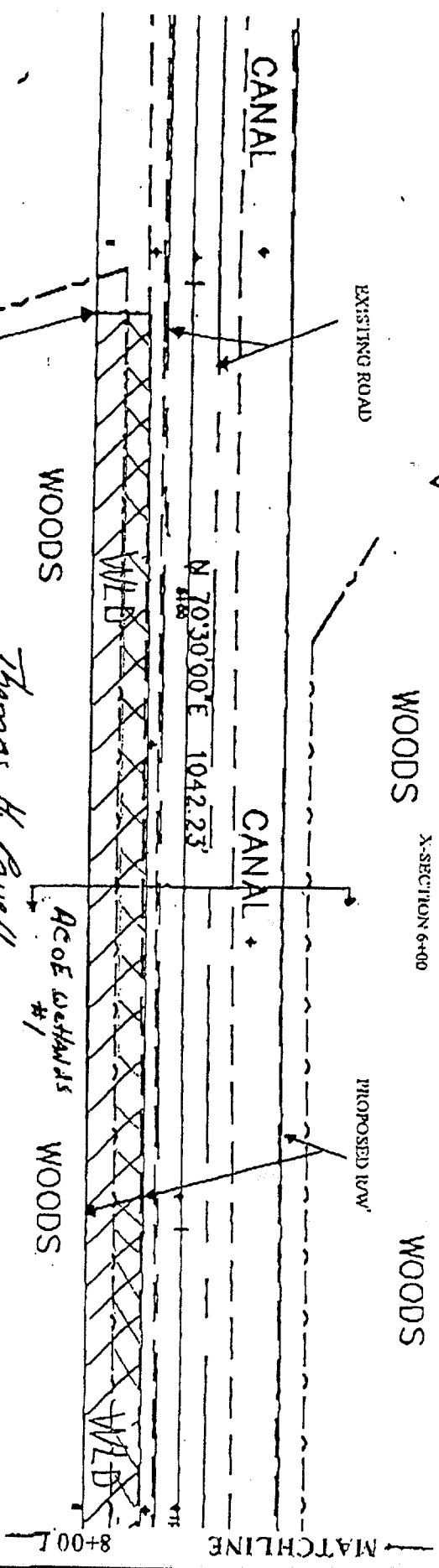
TOTAL WETLANDS IMPACTED = 0.063

TOTAL WETLAND ACREAGE WITHIN R/W = 0.161

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
QUAD: MIDDLETOWN  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD (SR-1108)  
DATE: JULY 25, 2001  
SCALE: 1" = 60'

PERMIT DRAWING: 2 OF 10



*Isabelle Collins*

X-SECTION 9+00

WOODS

EXISTING ROAD

PROPOSED R/W

8+00

MATCHLINE

CANAL

WOODS

Acres Wetlands #1

Sta. 10+42.23

*Thomas H. Powell*  
*Goldisora, NC*  
*C/O Shirley W. Small*  
*354 Bunker Rk.*  
*Goldisora, NC 27531*

Delta = 70°10'16"  
 R = 89.687'  
 L = 103.10'  
 D = 83°53'03"

Canal Wetlands #2

Sta. 11+45.33

MATCHLINE 12+00

X-SECTION 12+00

Canal Wetlands #3

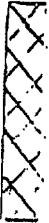
11+40 BEGIN WETLANDS AS DELINEATED

WETLANDS



TOTAL WETLAND ACREAGE WITHIN R/W = 0.190

WETLANDS IMPACTED

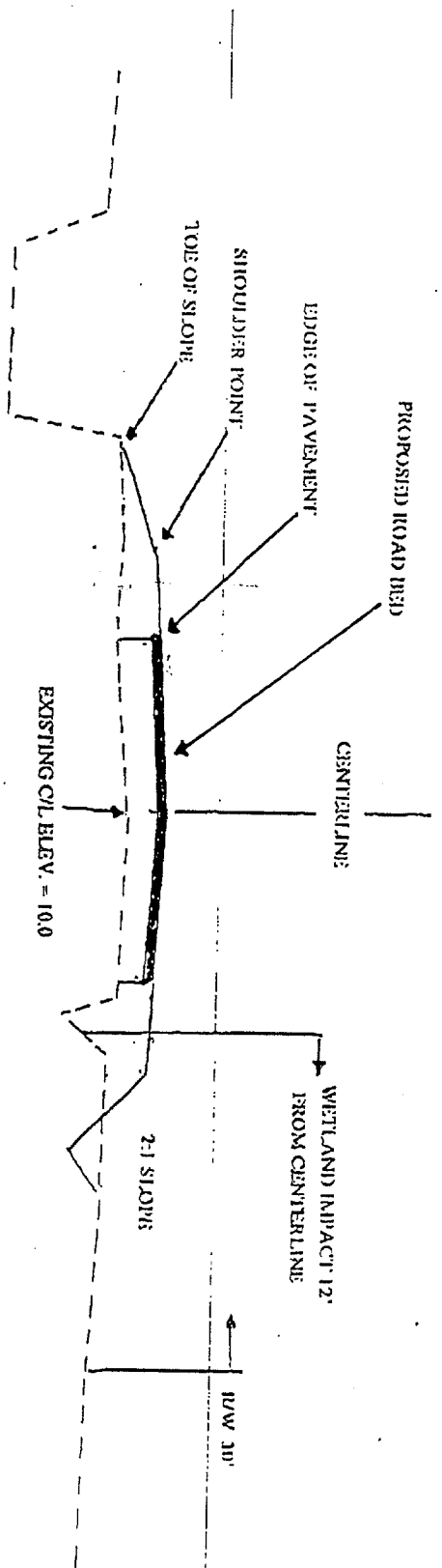


TOTAL WETLANDS IMPACTED = 0.106

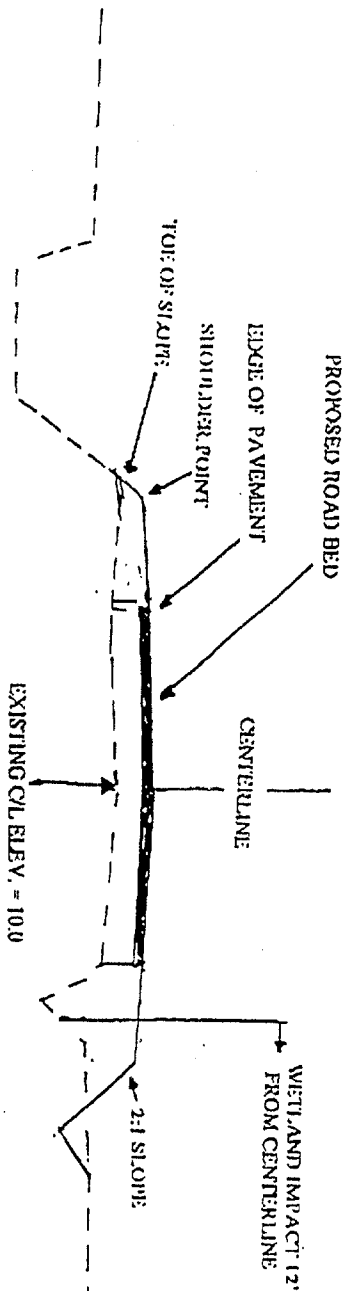
NC Department of Transportation  
 Division of Highways

COUNTY: HYDE  
 QUAD: MIDDLETOWN  
 BASIN: TAR-PAMUNCO  
 PROJECT: MARSH RD (SR-1109)  
 DATE: JULY 25, 2001  
 SCALE: 1" = 60'

PERMIT DRAWING: 3 of 10



## CROSS-SECTION 9+00



## CROSS-SECTION 6+00

### SYMBOLS

Proposed  
Cross-section

Existing  
Cross-section

### SCALE

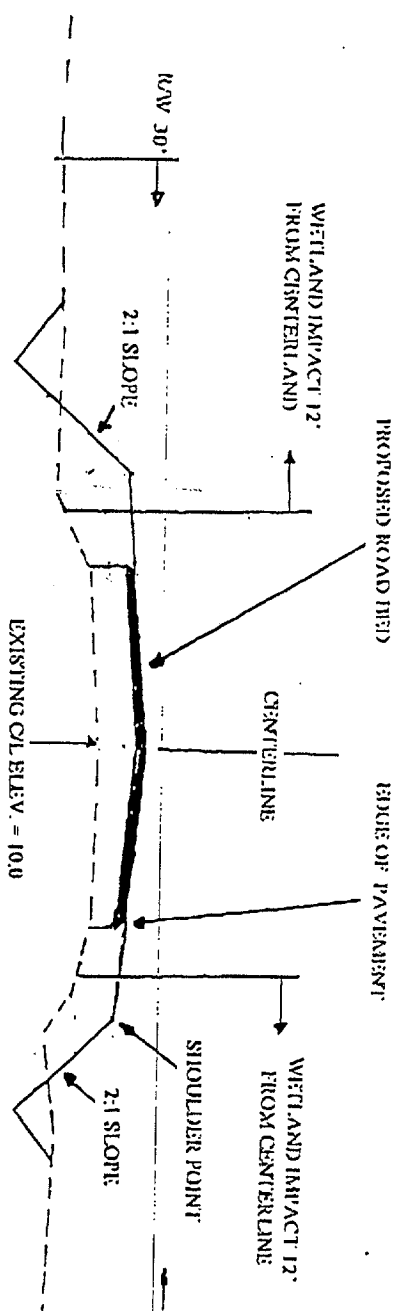
Horizontal: 1" = 10'  
Vertical: 1" = 5'

NC Department of Transportation  
Division of Highways

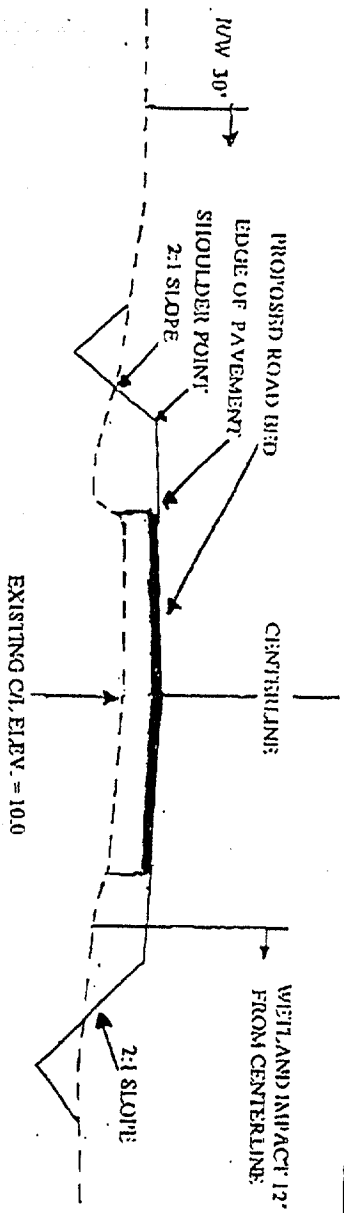
COUNTY: HYDE  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD. (SR-1109)  
DATE: JULY 25, 2001

PERMIT DRAWING 4 of 10





## CROSS-SECTION 12+00



## CROSS-SECTION 11+00

### SYMBOLS

Proposed  
Cross-section

Existing  
Cross-section

### SCALE

Horizontal: 1" = 10'  
Vertical: 1" = 5'

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD. (SR-1109)  
DATE: JULY 25, 2001

PERMIT DRAWING 5 of 10

MATCHLINE 12+00

EXISTING ROAD

X-SECTION 14+00

WOODS

Sta. 14+75.09 PINC

ACOE #4

16+00

MATCHLINE

Canal #2

PROPOSED R/W

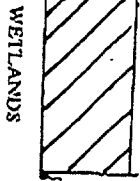
S 39°19'42"E

329.76'

19+00

WOODS

15+80 END WETLANDS AS DELINEATED



WETLANDS

TOTAL WETLAND ACREAGE WITHIN R/W = 0.322



WETLANDS IMPACTED

TOTAL WETLANDS IMPACTED = 0.170

Thomas H. Powell  
Goldstar, NC  
C/O Shirley L. Powell  
354 Powell RD  
Goldstar NC 27534

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
QUAD: MIDDLETOWN  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD (SR-1109)  
DATE: JULY 25, 2007  
SCALE: 1" = 60'

PERMIT DRAWING: 6 of 10

MATCHLINE

16+00

X-SECTION 17+00

WOODS

ACOEF HY

PROPOSED R/W

SMALL PINES

NORTH CAROLINA STATE ROAD

MATCHLINE

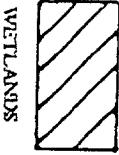
20+65

EXISTING ROAD

PAMPUS GRASS

18" PINE  
12" PINE  
14" PINE  
20" PINE  
12" PINE  
17" PINE  
12" PINE  
17" CEDAR

Earl Rugh, Jr.  
32 Nebraska Road  
Englehard Ave. 27824



WETLANDS



WETLANDS IMPACTED

TOTAL WETLAND ACREAGE WITHIN R/W = 0.165

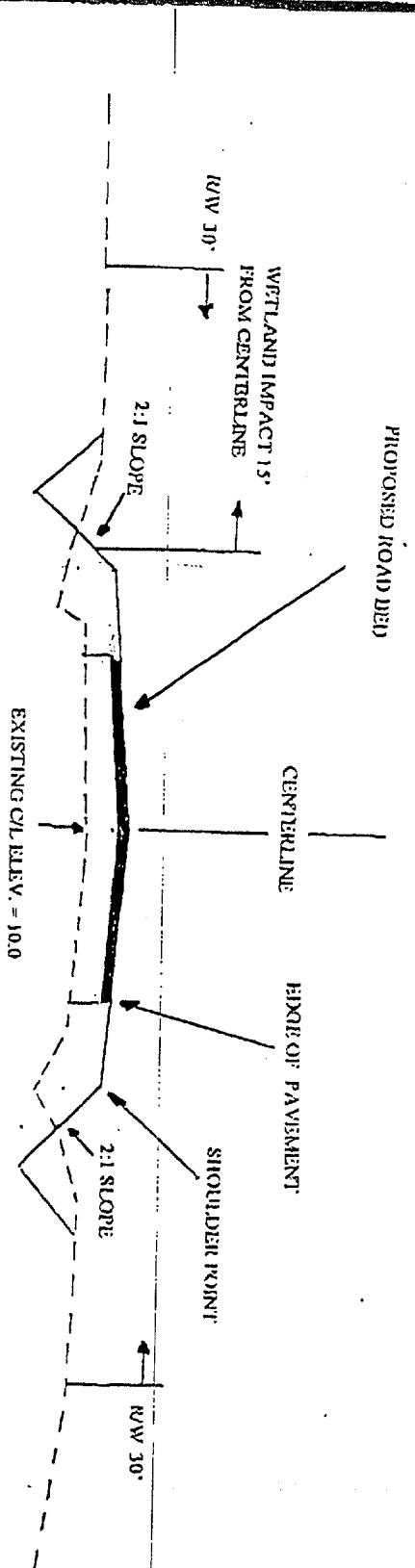
TOTAL WETLANDS IMPACTED = 0.085

NC Department of Transportation  
Division of Highways

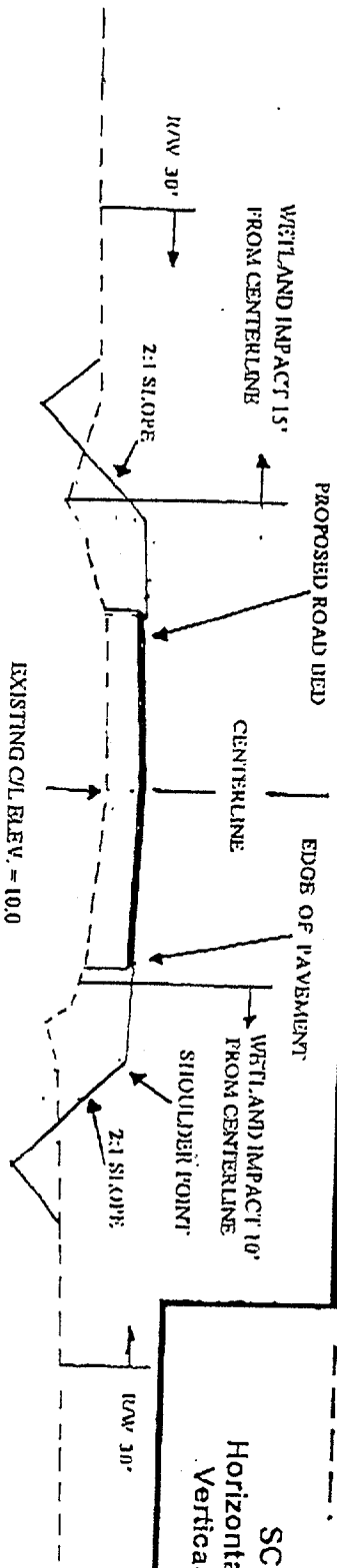
COUNTY: HYDE  
QUAD: MIDDLETOWN  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD (SR-1109)  
DATE: JULY 25, 2001  
SCALE: 1" = 60'

PERMIT DRAWING: 7 OF 10

Earl Rugh, Jr.  
32 Nebraska Road  
Englehard Ave. 27824



## CROSS-SECTION 17+00



### SYMBOLS

Proposed  
Cross-section

Existing  
Cross-section

### SCALE

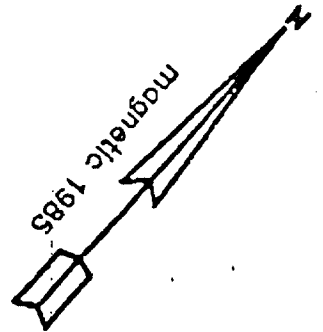
Horizontal: 1" = 10'  
Vertical: 1" = 5'

## CROSS-SECTION 14+00

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD. (SR-1109)  
DATE: JULY 25, 2001

PERMIT DRAWING 8 of 10



X-SECTION 21+00

MATCHLINE

20+65

1109 Marsh Road

24' ROP

PROPOSED R/W

Earl Pugh, Jr.  
32 Nebraska Road  
Fayetteville NC 27824

SMALL PINES

ACOE #4

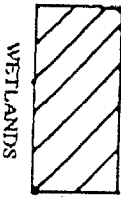
EXISTING ROAD

24+90 END WETLANDS AS DELINEATED

N 44°50'47" E

Sta. 25+16.82

25+00



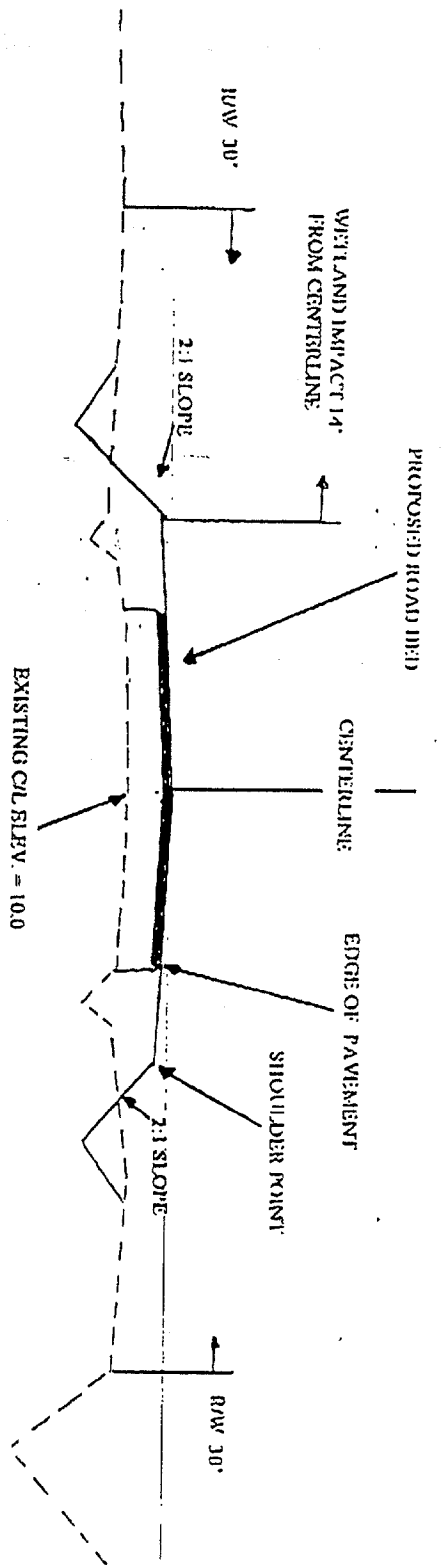
TOTAL WETLAND ACREAGE WITHIN R/W = 0.131

TOTAL WETLANDS IMPACTED = 0.078

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
QUAD: MIDDLETOWN  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD (SR-1109)  
DATE: JULY 25, 2001  
SCALE: 1" = 60'

PERMIT DRAWING: 7 of 10



**SYMBOLS**

Proposed  
Cross-section

Existing  
Cross-section

**SCALE**

Horizontal: 1" = 10'

Vertical: 1" = 5'

# CROSS - SECTION 21+00

NC Department of Transportation  
Division of Highways

COUNTY: HYDE  
BASIN: TAR-PAMLICO  
PROJECT: MARSH RD. (SR-1109)  
DATE: JULY 25, 2001

PERMIT DRAWING 12 of 12